

Notice of Allowability

Application No.

10/775,676

Examiner

Matthew O. Savage

Applicant(s)

DENTON ET AL.

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 7-18-07.
2. ☒ The allowed claim(s) is/are 1, 2, 5-7, 10-13, 18-20, and 23-25 renumbered 1-15, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Matthew O Savage
Primary Examiner
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An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. John Molnar on 9-27-07.

Claim 1 (currently amended): An oil-sorbing filter element including comprising:
a first stage, the first stage being formed of a first medium comprising a ~~consolidated~~ unitary, permeable mass of a first oleophilic polymeric material; and
a second stage adjoining the first stage;
the second stage is formed of a second medium comprising a fill of separate particles of a second oleophilic polymeric material;
wherein the first and second oleophilic polymeric materials are a thermoplastic elastomer.

Claims 3 and 4 have been canceled.

On line 1 of claim 5, "4" has been changed to -1--.

On line 1 of claim 7, "3" has been changed to -1—and "oil-absorbing" has been deleted.

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Claims 8, 9, 16, and 17 have been canceled.

On line 1 of claim 18, "17" has been changed to --1--.

On line 1 of claim 20, "16" has been changed to --1—and "oil-absorbing" has been deleted.

Claims 21 and 22 have been canceled.

On line 1 of claim 23, "first" has been changed to --second--.

On line 1 of claim 24, "10" has been changed to --23--.

Claims 26-52 have been canceled.

On line 2 of page 6 of the specification, --unitary—has been inserted before "tubular".

The following is an examiner's statement of reasons for allowance: Williamson et al (US 2001/0047967) is considered the closest prior art, however, the reference fails to teach or suggest the limitation of the first and second oleophilic polymeric materials

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being a thermoplastic elastomer as recited in instant claim 1. While Hanrahan discloses filters disposed in series including thermoplastic elastomers, the reference fails to teach or suggest the first stage as being in the form of a unitary permeable mass as recited in instant claim 1. There is no suggestion to modify the unitary stage and particulate stages of Williamson et al to include the thermoplastic elastomeric oleophilic materials disclosed by Hanrahan since the filter disclosed by Williamson et al functions to coalesce water from oil whereas the Hanrahan filter functions to absorb oil from water.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O. Savage whose telephone number is (571) 272-1146. The examiner can normally be reached on Monday-Friday, 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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